

Message Text

PAGE 01 STATE 227371 TOSEC 130066

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S E C R E T STATE 227371 TOSEC 130066

NODIS

E.O. 11652: GDS

TAGS: EAGR, UR

SUBJECT: US-USSR GRAIN AND OIL NEGOTIATIONS

FOR CHARGE FROM ROBINSON

1. YOU SHOULD DELIVER FOLLOWING TEXTS OF DRAFT GRAIN AND OIL AGREEMENTS TO PATOLOCHEV PURSUANT TO HIS REQUEST TO UNDER SECRETARY ROBINSON THAT HAVING DRAFTS IN ADVANCE WOULD FACILITATE SOVIET REVIEW PRIOR TO NEXT NEGOTIATION SESSION. TRY ASCERTAIN WHEN PATOLOCHEV WILL BE READY RENEW TALKS.

2. FYI. UNDER SECRETARY ROBINSON PLANS ARRIVE MOSCOW SEPTEMBER 30 OR EARLIER, ACCOMPANIED BY AMBASSADOR HINTON, MARK FELDMAN, DEPUTY LEGAL ADVISER, RICHARD BELL, ASSISTANT SECRETARY OF AGRICULTURE AND JOE BELL, OF FEDERAL ENERGY ADMINISTRATION. END FYI.

SECRET

PAGE 02 STATE 227371 TOSEC 130066

3. LONG TERM GRAIN AGREEMENT BETWEEN THE USA AND THE USSR:

THE GOVERNMENT OF THE USA AND THE GOVERNMENT OF THE USSR:

RECALLING THE "BASIC PRINCIPLES OF RELATIONS BETWEEN THE

UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST
REPUBLIC" OF MAY 29, 1972:
DESIRING TO STRENGTHEN LONG-TERM COOPERATION BETWEEN THE
TWO COUNTRIES ON THE BASIS OF MUTUAL BENEFIT, EQUALITY
AND RECIPROCITY;

MINDFUL OF THE IMPORTANCE WHICH THE PRODUCTION OF FOOD,
PARTICULARLY GRAIN, HAS FOR THE PEOPLES OF BOTH COUNTRIES
AND FOR ALL OF MANKIND;

RECOGNIZING THE NEED TO STABILIZE TRADE IN GRAIN BETWEEN
THE TWO COUNTRIES SO AS TO ENSURE A REGULAR FLOW AND TO
MINIMIZE MARKET DISRUPTIONS;

ANTICIPATING THAT GRAIN PURCHASED FROM THE UNITED STATES
IN EXCESS OF CURRENT REQUIREMENTS WILL BE RETAINED FOR USE
IN FUTURE YEARS WHEN IT MAY BE NEEDED AND THAT OFF-THE-FARM
GRAIN STORAGE CAPACITY IN THE SOVIET UNION WILL BE
INCREASED BY AT LEAST EIGHT MILLION TONS A YEAR;

BELIEVING THAT THESE ARRANGEMENTS WILL CONTRIBUTE TO THE
CREATION OF AN INTERNATIONAL GRAIN RESERVE;

REAFFIRMING THEIR CONVICTION THAT COOPERATION IN THE FIELD
OF AGRICULTURE WILL CONTRIBUTE TO OVERALL IMPROVEMENT OF
RELATIONS BETWEEN THE TWO COUNTRIES;

HAVE AGREED AS FOLLOWS:

ARTICLE 1. DURING EACH 12 MONTH PERIOD THAT THIS AGREEMENT
IS IN FORCE, EXCEPT AS OTHERWISE AGREED BY THE PARTIES,
THE GOVERNMENT OF THE USSR SHALL PURCHASE FROM PRIVATE
COMMERCIAL SOURCESMETRIC TONS OF WHEAT ANDMETRIC
TONS OF CORN GROWN IN THE UNITED STATES AT THE PRICES
PREVAILING IN THE UNITED STATES FOR THESE COMMODITIES AT
THE TIME OF PURCHASE AND IN ACCORDANCE WITH NORMAL
SECRET

PAGE 03 STATE 227371 TOSEC 130066

COMMERCIAL TERMS FOR EACH TRANSACTION.

ARTICLE 2. DURING THE TERM OF THIS AGREEMENT, EXCEPT AS
OTHERWISE AGREED BY THE PARTIES, THE GOVERNMENT OF THE
UNITED STATES OF AMERICA SHALL NOT EXERCISE ANY DISCRETION-
ARY AUTHORITY AVAILABLE TO IT UNDER UNITED STATES LAW
TO CONTROL EXPORTS OF CORN AND WHEAT PURCHASED BY THE
GOVERNMENT OF THE USSR IN ACCORDANCE WITH ARTICLE 1, AND
SHALL OTHERWISE EMPLOY ITS GOOD OFFICES TO FACILITATE
AND ENCOURAGE SUCH PURCHASES.

ARTICLE 3. IN CARRYING OUT ITS OBLIGATIONS UNDER THIS
AGREEMENT THE GOVERNMENT OF THE USSR SHALL ENDEAVOR TO
SPACE ITS PURCHASES IN THE UNITED STATES AND SHIPMENTS TO

THE USSR AS EVENLY AS POSSIBLE OVER EACH 12 MONTH PERIOD. PURCHASES FOR ANY QUARTER OF THE 12 MONTH PERIOD SHALL NOT IN ANY EVENT VARY BY MORE THAN ... FROM ONE-FOURTH OF THE TOTAL AMOUNT OF EACH COMMODITY TO BE PURCHASED FOR THAT 12 MONTH PERIOD IN ACCORDANCE WITH THIS AGREEMENT. SHIPMENT FOR ANY ONE MONTH OF THE 12 MONTH PERIOD SHALL NOT IN ANY EVENT VARY MORE THAN FROM ONE-TWELFTH OF THE TOTAL AMOUNT OF THAT COMMODITY TO BE SHIPPED FOR THAT 12 MONTH PERIOD IN ACCORDANCE WITH THIS AGREEMENT. TO FACILITATE THESE SCHEDULES, PURCHASES SHALL BE MADE NO LESS THAN THREE MONTHS BEFORE SHIPMENT.

ARTICLE 4. THE GOVERNMENT OF THE USSR SHALL ASSURE THAT, EXCEPT AS THE PARTIES MAY OTHERWISE AGREE, ALL CORN AND WHEAT GROWN IN THE UNITED STATES AND PURCHASED BY THE GOVERNMENT OF THE USSR SHALL BE SHIPPED TO THE USSR FOR ULTIMATE CONSUMPTION IN THE USSR.

ARTICLE 5.

(A) WHENEVER, DURING THE TERM OF THIS AGREEMENT, THE GOVERNMENT OF THE UNITED STATES OF AMERICA BELIEVES THAT THERE IS OR WILL BE A SERIOUS SHORTAGE OF CORN AND WHEAT IN THE UNITED STATES OR WORLDWIDE, THE GOVERNMENT OF THE UNITED STATES SHALL IMMEDIATELY NOTIFY THE GOVERNMENT OF THE USSR, AND THE PARTIES SHALL CONSULT AS SOON AS POSSIBLE WITH A VIEW TO REDUCING BY MUTUAL AGREEMENT

SECRET

PAGE 04 STATE 227371 TOSEC 130066

GRAIN TONNAGE TO BE PURCHASED BY THE GOVERNMENT OF THE USSR.

MOREOVER, IN THE EVENT THAT AS OF JULY 1 OF ANY YEAR DURING THE EFFECTIVE PERIOD OF THIS AGREEMENT THE US GRAIN SUPPLY FOR THE COMING MARKETING YEAR, DEFINED AS THE OFFICIAL UNITED STATES DEPARTMENT OF AGRICULTURE ESTIMATE OF STOCKS OF GRAINS AS OF JUNE 30 PLUS THE OFFICIAL FORWARD CROP ESTIMATES FOR THE NEXT YEAR AS OF JULY 1, FALLS BELOW THE MINIMUM QUANTITIES ESTABLISHED IN ANNEX A, THE UNITED STATES GOVERNMENT MAY REQUEST THE GOVERNMENT OF THE SOVIET UNION TO REDUCE GRAIN PURCHASES AND THE GOVERNMENT OF THE USSR, IF SO REQUESTED, WILL REDUCE ITS PURCHASES FOR THE NEXT QUARTER BELOW THE TOTAL QUANTITY ESTABLISHED BY THE AGREEMENT BY PER CENT OF THE REDUCTION IN US GRAIN SUPPLY FROM THE ESTABLISHED MINIMUM QUANTITIES. AT THE END OF EACH SUCCEEDING QUARTER THE UNITED STATES WILL REVIEW THE US GRAIN SUPPLY ESTIMATE AND IF THAT ESTIMATE IS STILL BELOW THE ESTABLISHED MINIMUM QUANTITIES THE SAME PROCEDURE WILL BE APPLICABLE FOR THE SUBSEQUENT QUARTER.

SHOULD THE USSR REDUCE GRAIN PURCHASES UNDER THIS PROVISION, THE USSR MAY ELECT TO ADD A QUANTITY EQUIVALENT TO SUCH REDUCTION TO THE FIRST CONTRACT YEAR FOLLOWING ANNOUNCEMENT OF THE US GRAIN SUPPLY ABOVE THE MINIMUM QUANTITIES; SUCH ELECTION SHOULD BE MADE WITHIN THIRTY DAYS FOLLOWING THE US DECLARATION AS OF JULY 1 NEXT OF TOTAL US GRAIN SUPPLY.

(B) WHENEVER THE GOVERNMENT OF THE U.S.S.R. ANTICIPATES THAT IT WILL WISH TO PURCHASE MORE CORN OR WHEAT GROWN IN THE UNITED STATES THAN THE AMOUNT SPECIFIED IN ARTICLE 1, THE GOVERNMENT OF THE U.S.S.R. SHALL IMMEDIATELY NOTIFY THE GOVERNMENT OF THE UNITED STATES AND THE PARTIES SHALL CONSULT AS SOON AS POSSIBLE. THE GOVERNMENT OF THE U.S.S.R. SHALL OBTAIN THE CONSENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA PRIOR TO PURCHASING OR ENTERING INTO ANY PURCHASE CONTRACTS FOR AMOUNTS GREATER THAN THOSE SPECIFIED IN ARTICLE 1.

SECRET

PAGE 05 STATE 227371 TOSEC 130066

ARTICLE 6

THE ARRANGEMENTS MADE BY THE GOVERNMENT OF THE U.S.S.R. FOR THE SHIPMENT OF CORN AND WHEAT FROM THE UNITED STATES SHALL ENSURE THAT TRANSPORTATION OF THESE COMMODITIES (1) FULLY EFFECTUATES, WITH RESPECT TO CORN AND WHEAT, THE POLICY EXPRESSED WITH RESPECT TO ALL BILATERAL CARGOES IN ARTICLES 7 AND 8 AND ANNEX III OF THE AGREEMENT ON MARITIME MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE U.S.S.R. SIGNED AT WASHINGTON ON OCTOBER 14, 1972 AS EXTENDED AND AMENDED ON 1975 AND (2) IS IN ACCORDANCE WITH A MUTUAL AGREEMENT ON FREIGHT RATES.

ARTICLE 7

THE PARTIES SHALL HOLD CONSULTATIONS CONCERNING THE IMPLEMENTATION OF THIS AGREEMENT AND RELATED MATTERS AT INTERVALS OF SIX MONTHS BEGINNING SIX MONTHS AFTER THE DATE OF ENTRY INTO FORCE OF THIS AGREEMENT, AND AT ANY OTHER TIME AT THE REQUEST OF EITHER PARTY.

ARTICLE 8

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE U.S.S.R. SHALL, DURING THE SEMI-ANNUAL CONSULTATIONS PROVIDED FOR IN ARTICLE 7, EXCHANGE FORWARD ESTIMATES OF ANTICIPATED DOMESTIC PRODUCTION, DOMESTIC USE, IMPORTS AND EXPORTS, AND STOCKS OF CORN AND WHEAT FOR THE 12-MONTH PERIOD BEGINNING ON THE DATE OF THE EXCHANGE OF ESTIMATES. IN ADDITION, WHENEVER A PARTY BECOMES AWARE THAT FOR ANY REASON THERE IS OR IS

LIKELY TO BE A SIGNIFICANT CHANGE IN ITS LAST ESTIMATE PROVIDED TO THE OTHER PARTY, IT SHALL IMMEDIATELY NOTIFY THE OTHER PARTY OF SUCH CHANGE OR PROBABLE CHANGE IN ITS LAST ESTIMATE, AND SHALL INDICATE THE REASON FOR, AND, WITH ALL POSSIBLE SPECIFICITY, THE NATURE AND DEGREE OF SUCH CHANGE OR PROBABLE CHANGE. ALL INFORMATION PROVIDED

UNDER THIS ARTICLE MAY BE PUBLISHED WITH THE CONSENT OF
SECRET

PAGE 06 STATE 227371 TOSEC 130066

THE PARTY PROVIDING THE INFORMATION.
ARTICLE 9

THIS AGREEMENT SHALL ENTER INTO FORCE ON EXECUTION WITH SHIPMENTS TO COMMENCE ON OCTOBER 1, 1976 AND SHALL REMAIN IN FORCE UNTIL SEPTEMBER 30, 1981 UNLESS EXTENDED BY MUTUAL AGREEMENT.

4. LONG TERM AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING CRUDE OIL AND PETROLEUM PRODUCTS:

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS,

DESIRING TO EXPAND TRADE BETWEEN THE TWO COUNTRIES TO THEIR MUTUAL ADVANTAGE,

RECOGNIZING THAT THE RESOURCES OF BOTH COUNTRIES CAN CONTRIBUTE TO THE WELL-BEING OF THE PEOPLES OF EACH,

GUIDED BY THE PRINCIPLES SET FORTH IN THE LONG TERM AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO FACILITATE ECONOMIC, INDUSTRIAL AND TECHNICAL COOPERATION OF JUNE 29, 1974,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

FOR A PERIOD OF YEARS FROM THE DATE OF ENTRY INTO FORCE OF THIS AGREEMENT, THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AGREES TO OFFER FOR SALE ANNUALLY TO THE UNITED STATES GOVERNMENT AND/OR TO NATIONALS OF THE UNITED STATES DESIGNATED BY THE UNITED STATES GOVERNMENT AT LEAST METRIC TONS OF CRUDE OIL AND PETROLEUM PRODUCTS, INCLUDING PARTICULARLY DIESEL OIL AND NAPHTHA, IN ACCORDANCE WITH THE TERMS AND PROCEDURES ESTABLISHED UNDER THIS AGREEMENT.

SECRET

PAGE 07 STATE 227371 TOSEC 130066

ARTICLE 2

THE CRUDE OIL SHALL BE OFFERED FOR SALE AT THE RATE OF AT LEAST METRIC TONS PER MONTH. DELIVERIES PURSUANT TO THIS ARTICLE SHALL BE MADE AT BLACK SEA LOADING PORT OR PORTS TO BE AGREED COMMENCING

ARTICLE 3

(A) THE UNITED STATES GOVERNMENT SHALL HAVE THE RIGHT OF FIRST REFUSAL TO PURCHASE ALL OR ANY PORTION OF THE CRUDE OIL AND PETROLEUM PRODUCTS OFFERED FOR SALE BY THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS UNDER THIS AGREEMENT. ANY REMAINING AMOUNTS SHALL BE MADE AVAILABLE TO THOSE UNITED STATES NATIONALS DESIGNATED BY THE UNITED STATES GOVERNMENT. THE UNITED STATES GOVERNMENT AND THE DESIGNATED UNITED STATES NATIONALS SHALL INFORM THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS NO LESS THAN 90 DAYS IN ADVANCE OF ANY CALENDAR MONTH OF THE QUANTITIES OF SUCH CRUDE OIL AND PETROLEUM PRODUCTS THEY INTEND TO PURCHASE IN THAT CALENDAR MONTH. IF DURING ANY CALENDAR MONTH COVERED BY THIS AGREEMENT, EXPECTED PURCHASES OF SOVIET CRUDE OIL AND PETROLEUM PRODUCTS BY THE UNITED STATES GOVERNMENT AND/OR ITS DESIGNATED NATIONALS UNDER THIS AGREEMENT ARE BELOW OR ABOVE THE AMOUNT SPECIFIED IN ARTICLE 2, THE QUANTITIES TO BE OFFERED BY THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS DURING THE FOLLOWING CALENDAR MONTH SHALL AT ITS OPTION BE INCREASED OR DECREASED, AS THE CASE MAY BE, BY AN AMOUNT CORRESPONDING TO THE VARIANCE.

(B) THE UNITED STATES GOVERNMENT OR DESIGNATED NATIONALS OF THE UNITED STATES TAKING DELIVERY OF CRUDE OIL AND PRODUCTS PURSUANT TO THIS AGREEMENT SHALL DELIVER SUCH CRUDE OR PRODUCT TO THE UNITED STATES OR AT THEIR OPTION TO OTHER WORLD MARKETS. SUCH CRUDE OIL OR PRODUCT MAY WITHOUT RESTRICTION PURSUANT TO THIS AGREEMENT BE EXCHANGE WITH, SOLD TO, OR OTHERWISE TRANSFERRED TO OTHER GOVERNMENTS OR PERSONS.

SECRET

PAGE 08 STATE 227371 TOSEC 130066

ARTICLE 4

THE FOLLOWING SPECIFICATIONS AND DEFINITIONS WILL APPLY TO THE CRUDE OIL AND PETROLEUM PRODUCTS SUPPLIED UNDER THIS AGREEMENT:

(A) CRUDE OIL: CRUDE PETROLEUM WITH A GRAVITY RANGE

OF 31 TO 35 DEGREES API; SULPHUR CONTENT NOT TO EXCEED
1.6 PERCENT BY WEIGHT; BASIC SEDIMENT AND WATER CONTENT
NOT TO EXCEED 1.0 PERCENT.

(B) DIESEL FUEL: ANY DERIVATIVE OF PETROLEUM HAVING
A FIFTY PERCENT BOILING POINT IN THE ASTM D86 STANDARD
DISTILLATION TEST FALLING BETWEEN 371 DEGREES AND 700 DE-
GREES F.; SULPHUR CONTENT NOT TO EXCEED 0.2 PERCENT BY
WEIGHT.

(C) NAPHTHA: ANY DERIVATIVE OF PETROLEUM DISTILLATION
HAVING A BOILING RANGE AT ATMOSPHERIC PRESSURE WHICH FALLS
COMPLETELY OR IN PART BETWEEN 80 DEGREES AND 400 DEGREES F;
SULPHUR CONTENT NOT TO EXCEED 0.2 PERCENT BY WEIGHT.

(D) OTHER PRODUCTS WILL BE SPECIFIED AS MUTUALLY AGREED.

(E) A BARREL EQUALS 42 UNITED STATES GALLONS AT 60
DEGREES F.

ARTICLE 5

(A) THE BASE PRICE PER BARREL FOR CRUDE OIL OF 34 DEGREES
API GRAVITY WITH A SULPHUR CONTENT OF 1.6 PERCENT BY
WEIGHT, F.O.B. NOVOROSSISK, UNION OF SOVIET SOCIALIST
REPUBLICS SHALL BE ESTABLISHED IN ACCORDANCE WITH
THE FOLLOWING FORMULA:

(B) PRICES SHALL BE ADJUSTED FOR OTHER QUALITY AND
GRAVITY CRUDE OIL ACCORDING TO THEN PREVAILING MARKET
DIFFERENTIALS IN THE PERSIAN GULF. AS OF THE DATE OF
THIS AGREEMENT THESE DIFFERENTIALS ARE DEEMED TO BE:

SECRET

PAGE 09 STATE 227371 TOSEC 130066

(I) \$0.06 CENTS PER BARREL PER DEGREE OF GRAVITY API.

(II) CENTS PER BARREL PER TENTH OF A PERCENT
BY WEIGHT OF SULPHUR LESS THAN 1.6 PERCENT.

(C) PAYMENT FOR PURCHASES PURSUANT TO THIS AGREEMENT
SHALL BE DUE DAYS AFTER LIFTING.

ARTICLE 6

THE SOVIET UNION MAY SUBSTITUTE PRODUCT ON A ONE-FOR-ONE
BASIS BY WEIGHT FOR CRUDE OIL ONLY IF THE TERMS AND
CONDITIONS OF SUCH SUBSTITUTION ARE ON A BASIS EQUALLY
ATTRACTIVE TO THE UNITED STATES GOVERNMENT OR DESIGNATED
UNITED STATES NATIONALS. SUCH SUBSTITUTION SHALL NOT IN
ANY MONTH EXCEED ... PERCENT OF THE TOTAL CRUDE OIL
AND PRODUCT TO BE MADE AVAILABLE PURSUANT TO THIS
AGREEMENT.

ARTICLE 7

THE PARTIES SHALL ENTER INTO CONSULTATIONS WITHIN
FOURTEEN DAYS FROM THE DATE OF A REQUEST FOR CONSULTATION
IS RECEIVED FROM EITHER PARTY REGARDING ANY MATTER
INVOLVING THE APPLICATION, INTERPRETATION, IMPLEMENTATION,
OR AMENDMENT OF THIS AGREEMENT.

ARTICLE 8

AS USED IN THE PRESENT AGREEMENT, THE TERM "NATIONALS
OF THE UNITED STATES" MEANS (A) NATURAL PERSONS WHO ARE
NATIONALS OF THE UNITED STATES, AND (B) ANY CORPORATION,
PARTNERSHIP, COMPANY OR OTHER ASSOCIATION (I) CONSTITUTED
UNDER THE APPLICABLE LAWS AND REGULATIONS WITHIN THE
TERRITORY OF THE UNITED STATES OR (II) AT LEAST 50
PERCENT OWNED, DIRECTLY OR INDIRECTLY, BY UNITED STATES
NATIONALS, WHEREVER ESTABLISHED.

ARTICLE 9

THIS AGREEMENT SHALL ENTER INTO FORCE AS OF
AND SHALL REMAIN IN FORCE UNTIL UNLESS
SECRET

PAGE 10 STATE 227371 TOSEC 130066

EXTENDED BY MUTUAL AGREEMENT. ROBINSON

SECRET

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